

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-219-O-1
Government,)
VERSUS) FORT WORTH, TEXAS
CHRISTOPHER TODD NELSON,)
Defendant.) AUGUST 23, 2023
9:40 A.M.

UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-248-O-1
Government,)
VERSUS) FORT WORTH, TEXAS
EDGAR RODRIGUEZ,)
Defendant.) AUGUST 23, 2023
9:40 A.M.

UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-205-O-1
Government,)
VERSUS) FORT WORTH, TEXAS
OSMAR ALEXIS ALVAREZ,)
Defendant.) AUGUST 23, 2023
9:40 A.M.

UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-208-P-1
Government,)
VERSUS) FORT WORTH, TEXAS
ARMANDO MENA-RODRIGUEZ,)
Defendant.) AUGUST 23, 2023
9:40 A.M.

(NO OMISSIONS - CONTINUED ON PAGE 2)

1 UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-244-O-1
Government,)
2) FORT WORTH, TEXAS
VERSUS)
3) AUGUST 23, 2023
CLEMENTINA FLORES-ESPINOZA,)
4 Defendant.) 9:40 A.M.

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6 UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-212-O-1
Government,)
7) FORT WORTH, TEXAS
VERSUS)
8) AUGUST 23, 2023
KYUNG HEO,)
9 Defendant.) 9:40 A.M.

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11 UNITED STATES OF AMERICA,) CASE NO. 4:23-CR-192-O-1
Government,)
12) FORT WORTH, TEXAS
VERSUS)
13) AUGUST 23, 2023
DEANNA MARIE FOWLER,)
14 Defendant.) 9:40 A.M.

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16
17 VOLUME 1 OF 1
18 TRANSCRIPT OF REARRAIGNMENT OR GUILTY PLEA AT ARRAIGNMENT
19 BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

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24 Proceedings reported by mechanical stenography, transcript
25 produced by computer.

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P R O C E E D I N G S

August 23, 2023 - 9:40 a.m.

THE COURT: All right. We have several matters that are set for rearraignment or guilty plea at arraignment. As I call your name, if you'll let me know where you are in the courtroom just to confirm.

We'll start with Cause Number 4:23-CR-219, United States versus Christopher Nelson.

That's you, sir?

DEFENDANT NELSON: Yes, sir.

THE COURT: Thank you. Let's see. Mr. Gatto is present for the government in all pleas this morning?

MR. GATTO: Yes, Your Honor.

THE COURT: All right. Thank you, sir.

Present for the defense, Ms. Andrenette Sullivan.

MS. SULLIVAN: Yes, Your Honor.

THE COURT: I understand Mr. Weinbel has been counsel, but I know he's in a jury trial.

MS. SULLIVAN: Yes, Your Honor.

THE COURT: Thank you for covering.

Cause Number 4:23-CR-248, United States versus Edgar Rodriguez.

That's you, sir?

DEFENDANT RODRIGUEZ: Yes, sir.

THE COURT: Again, Mr. Frank Gatto for the

1 government, and Ms. Sullivan for the defense.

2 Cause Number 4:23-CR-205, United States versus Osmar
3 Alvarez.

4 *DEFENDANT ALVAREZ:* Here.

5 *THE COURT:* Thank you.

6 Again, Mr. Gatto for the government, and
7 Ms. Sullivan for the defense.

8 *MS. SULLIVAN:* Yes, Your Honor.

9 *THE COURT:* Cause Number 4:23-CR-208, United States
10 versus Armando Mena-Rodriguez.

11 That's you, sir?

12 *DEFENDANT MENA-RODRIGUEZ:* Yes.

13 *THE COURT:* Mr. Michael Lehmann is present for the
14 defense.

15 Cause Number 4:23-CR-244, United States versus
16 Clementina Flores-Espinoza.

17 Mr. Michael Lehmann for the defense, also covering
18 for Mr. Weinbel, who I understand is in trial. Thank you,
19 Mr. Lehmann.

20 Cause Number 4:23-CR-212, United States versus
21 Kyung -- is it Heo?

22 *DEFENDANT HEO:* Yes, here.

23 *THE COURT:* Okay. Thank you.

24 Mr. Michael Lehmann for the defense. Yes, sir? Oh,
25 I thought you -- okay.

1 Finally, Cause Number 4:23-CR-192, United States
2 versus Deanna Fowler.

3 And that's Ms. Kara Carreras present for the
4 defense.

5 All right. We're going to do all of these pleas at
6 one time. If I did them individually, we would be here at
7 least all morning, and into the afternoon, most likely. So,
8 for that to work, I need for everyone to pay careful attention
9 to the instructions and the questions, and then to speak up in
10 a good, firm voice so that the court reporter and I can both
11 hear your responses.

12 Mr. Heo, you are kind of the furthest from us. If
13 you would make an extra effort to speak up when called upon, I
14 would appreciate it.

15 For this proceeding, I need to have each defendant
16 placed under oath. Let me ask the defendants to please stand
17 for a moment, raise your right hand to the best of your
18 ability, and be sworn by my clerk.

19 (Seven (7) defendants sworn)

20 *THE COURT:* Very good. Thank you. You may all be
21 seated once more.

22 I'll have the record reflect that you are each now
23 under oath and you answered in the affirmative.

24 Would you state your full name for the record --
25 this is first, middle, and last name -- beginning with

1 Mr. Nelson.

2 DEFENDANT NELSON: Christopher Todd Nelson.

3 THE COURT: Perfect. Thank you, sir.

4 Mr. Rodriguez?

5 DEFENDANT RODRIGUEZ: Edgar Rodriguez.

6 THE COURT: No middle name, sir?

7 DEFENDANT RODRIGUEZ: No, sir.

8 THE COURT: Mr. Alvarez?

9 DEFENDANT ALVAREZ: Osmar Alexis Alvarez.

10 THE COURT: Thank you.

11 Mr. Mena-Rodriguez?

12 DEFENDANT MENA-RODRIGUEZ: Armando Mena-Rodriguez.

13 THE COURT: Do you primarily go by the last name

14 Mena?

15 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

16 THE COURT: Thank you, sir.

17 Ms. Flores-Espinoza?

18 DEFENDANT FLORES-ESPINOZA: Clementina

19 Flores-Espinoza.

20 THE COURT: Do you primarily go by the last name

21 Flores?

22 DEFENDANT FLORES-ESPINOZA: Yes, sir.

23 THE COURT: Let's see.

24 Mr. Heo?

25 DEFENDANT HEO: Kyung Heo.

1 THE COURT: No middle name, sir?

2 DEFENDANT HEO: No middle name.

3 THE COURT: Okay. And that may be hard for me to
4 hear. Mr. Lehmann, you and your client can move down here,
5 and you're free to move about the well since I know you're
6 covering several matters.

7 Is it all right with the marshal if we have Mr. Heo
8 move down here, maybe closer to the end?

9 DEPUTY U.S. MARSHAL: Yes, sir.

10 THE COURT: Thank you.

11 While they are doing that, Ms. Fowler, would you
12 state your full name?

13 DEFENDANT FOWLER: Deanna Marie Fowler.

14 THE COURT: Marie was the middle name?

15 DEFENDANT FOWLER: Yes, sir.

16 THE COURT: Thank you so much.

17 All right. Let me ask each defendant, is your name
18 spelled correctly in the indictment or the information that
19 has been filed against you?

20 Mr. Nelson?

21 DEFENDANT NELSON: Yes, sir.

22 THE COURT: Mr. Rodriguez?

23 DEFENDANT RODRIGUEZ: Yes, sir.

24 THE COURT: Mr. Alvarez?

25 DEFENDANT ALVAREZ: Yes, sir.

1 THE COURT: Mr. Mena?

2 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

3 THE COURT: Ms. Flores?

4 DEFENDANT FLORES-ESPINOZA: Yes, sir.

5 THE COURT: Mr. Heo?

6 DEFENDANT HEO: Yes, sir.

7 THE COURT: And Ms. Fowler?

8 DEFENDANT FOWLER: Yes, except for the alias.

9 THE COURT: Yes. And the alias, we have corrected
10 paperwork on the plea and the factual resume. As far as the
11 information goes, it's up in the style and it's not part of an
12 actual -- the official document.

13 Is that okay to proceed?

14 DEFENDANT FOWLER: Yes.

15 THE COURT: And we'll refer to you as Ms. Fowler for
16 today.

17 DEFENDANT FOWLER: Yes, sir. Thank you.

18 MR. GATTO: Your Honor, we're okay with all future
19 pleadings just not mentioning the alias anymore.

20 THE COURT: That will be fine. For the record,
21 we'll consider that to be stricken and future filings will not
22 require that.

23 DEFENDANT FOWLER: Thank you, Your Honor.

24 THE COURT: Yes, ma'am.

25 Do all defendants understand that you are now under

1 oath and if you were to answer any of the Court's questions
2 falsely, your answers could later be used against you in a
3 prosecution for perjury or for making a false statement?

4 Do you understand, Mr. Nelson?

5 *DEFENDANT NELSON:* Yes, sir.

6 *THE COURT:* Mr. Rodriguez?

7 *DEFENDANT RODRIGUEZ:* Yes, sir.

8 *THE COURT:* Mr. Alvarez?

9 *DEFENDANT ALVAREZ:* Yes, sir.

10 *THE COURT:* Mr. Mena?

11 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

12 *THE COURT:* Ms. Flores?

13 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

14 *THE COURT:* Do you understand, Mr. Heo?

15 *DEFENDANT HEO:* Yes, sir.

16 *THE COURT:* And Ms. Fowler?

17 *DEFENDANT FOWLER:* Yes, sir.

18 *THE COURT:* I understand that defendants Mena and
19 Flores each require the assistance of a Spanish-speaking
20 interpreter, and I note that Ms. Yovana Gonzalez has been
21 sworn as the court interpreter and is providing that service.

22 Are each of you able to understand the proceedings
23 through the court interpreter?

24 Mr. Mena?

25 *DEFENDANT MENA-RODRIGUEZ:* Yes.

1 THE COURT: And Ms. Flores?

2 DEFENDANT FLORES-ESPINOZA: Yes, sir.

3 THE COURT: To all defendants: Do you understand
4 that I am conducting this hearing, rather than the district
5 judge in your case, based upon your consent; however, it's the
6 district judge who retains all final decision-making authority
7 over your plea, and it's the district judge who will conduct
8 any sentencing in your case?

9 Do you understand, Mr. Nelson?

10 DEFENDANT NELSON: Yes, sir.

11 THE COURT: Mr. Rodriguez?

12 DEFENDANT RODRIGUEZ: Yes, sir.

13 THE COURT: Mr. Alvarez?

14 DEFENDANT ALVAREZ: Yes, sir.

15 THE COURT: Mr. Mena?

16 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

17 THE COURT: Ms. Flores?

18 DEFENDANT FLORES-ESPINOZA: Yes, sir.

19 THE COURT: Mr. Heo?

20 DEFENDANT HEO: Yes, sir.

21 THE COURT: And Ms. Fowler?

22 DEFENDANT FOWLER: Yes, sir.

23 THE COURT: I have been provided this morning
24 documents entitled Consent to Administration of Guilty Plea
25 and Allocution by United States Magistrate Judge in each of

1 the cases before the Court, and these consent forms appear to
2 be signed by each defendant and his or her counsel.

3 Is it your signature that appears on the consent
4 form, Mr. Nelson?

5 *DEFENDANT NELSON:* Yes, sir.

6 *THE COURT:* Mr. Rodriguez?

7 *DEFENDANT RODRIGUEZ:* Yes, sir.

8 *THE COURT:* Mr. Alvarez?

9 *DEFENDANT ALVAREZ:* Yes, sir.

10 *THE COURT:* Mr. Mena?

11 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

12 *THE COURT:* Ms. Flores?

13 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

14 *THE COURT:* And Mr. Heo?

15 *DEFENDANT HEO:* Yes, sir.

16 *THE COURT:* Ms. Fowler?

17 *DEFENDANT FOWLER:* Yes, sir.

18 *THE COURT:* Okay. Then I find that each of you have
19 knowingly and voluntarily waived your right to enter a guilty
20 plea before the district judge, and you've consented to
21 proceed before me in that plea today.

22 Let me give you some general instructions. You may,
23 if you choose, plead not guilty to any offense charged against
24 you or persist in that plea if it's already been made, and if
25 you plead not guilty, the Constitution of the United States

1 guarantees you the following rights:

2 You have the right to a speedy and public jury trial
3 in this district.

4 You have the right at such a trial for you to
5 confront, that is, to see, hear, and cross-examine all
6 witnesses presented against you.

7 You have the right to have the assistance of an
8 attorney at all stages of the proceedings, and if you could
9 not afford an attorney, an attorney would be appointed for
10 you, as has been done in all of these cases.

11 At such a trial, you could not be compelled to
12 testify and whether you would testify would be a matter in
13 which your judgment alone would control.

14 At such a trial, the United States would be required
15 to prove your guilt beyond a reasonable doubt, and if you were
16 found guilty, you would have the right to appeal that
17 conviction.

18 Do each of you understand that you have and are
19 guaranteed each of those constitutional rights?

20 Mr. Nelson?

21 *DEFENDANT NELSON:* Yes, sir.

22 *THE COURT:* Mr. Rodriguez?

23 *DEFENDANT RODRIGUEZ:* Yes, sir.

24 *THE COURT:* Do you understand, Mr. Alvarez?

25 *DEFENDANT ALVAREZ:* Yes, sir.

1 THE COURT: Mr. Mena?

2 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

3 THE COURT: Ms. Flores?

4 DEFENDANT FLORES-ESPINOZA: Yes, sir.

5 THE COURT: Mr. Heo?

6 DEFENDANT HEO: Yes, sir.

7 THE COURT: And Ms. Fowler?

8 DEFENDANT FOWLER: Yes, sir.

9 THE COURT: On the other hand, if you plead guilty
10 and if that guilty plea is accepted by the Court, there will
11 not be a further trial of any kind, so by pleading guilty, you
12 waive your right to a trial, as well as those rights
13 associated with a trial as we've just discussed.

14 Do you understand that, Mr. Nelson?

15 DEFENDANT NELSON: Yes, sir.

16 THE COURT: And Mr. Rodriguez?

17 DEFENDANT RODRIGUEZ: Yes, sir.

18 THE COURT: Mr. Alvarez?

19 DEFENDANT ALVAREZ: Yes, sir.

20 THE COURT: Mr. Mena?

21 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

22 THE COURT: Ms. Flores?

23 DEFENDANT FLORES-ESPINOZA: Yes.

24 THE COURT: Do you understand, Mr. Heo?

25 DEFENDANT HEO: Yes, sir.

1 THE COURT: And Ms. Fowler?

2 DEFENDANT FOWLER: Yes, sir.

3 THE COURT: Now, generally, a defendant who is
4 accused of a crime cannot plead guilty unless he or she is
5 actually guilty of that crime. In federal court, it's the
6 judge who determines the penalty when a defendant is
7 convicted, whether that conviction is on the basis of a jury
8 verdict or upon a plea of guilty.

9 The Court has not and will not talk to anyone about
10 the facts of your case, except here in your presence where you
11 and your attorney and representatives of the government are
12 all present. However, if a guilty verdict is entered, a
13 presentence report will be prepared and the Court may review
14 that report with probation officers outside of your presence.

15 If you plead guilty, you will be convicted; however,
16 you and your attorney each will be given an opportunity to
17 present to the Court any pleas for leniency. The penalty will
18 be decided based upon the facts heard in court.

19 You should never depend or rely upon any promise or
20 statement by anyone, whether connected with law enforcement or
21 the government or anyone else, as to what penalty will be
22 assessed against you.

23 Should you decide to plead guilty, your plea of
24 guilty must not be induced or prompted by any promises,
25 pressure, threats, force, or coercion of any kind. A plea of

1 guilty must be purely voluntary, and you should plead guilty
2 only because you are guilty and for no other reason.

3 Have each of you understood all of my explanations
4 about the process and the consequences of pleading guilty?

5 Mr. Nelson?

6 *DEFENDANT NELSON:* Yes, sir.

7 *THE COURT:* Mr. Rodriguez?

8 *DEFENDANT RODRIGUEZ:* Yes, sir.

9 *THE COURT:* Mr. Alvarez?

10 *DEFENDANT ALVAREZ:* Yes, sir.

11 *THE COURT:* Mr. Mena?

12 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

13 *THE COURT:* Ms. Flores?

14 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

15 *THE COURT:* Mr. Heo?

16 *DEFENDANT HEO:* Yes, sir.

17 *THE COURT:* And Ms. Fowler?

18 *DEFENDANT FOWLER:* Yes, sir.

19 *THE COURT:* Under the Sentencing Reform Act of 1984,
20 as it's been construed by our Supreme Court, the United States
21 Sentencing Commission has issued advisory guidelines for
22 judges to consider in determining the sentence in a criminal
23 case.

24 Have each of you discussed with your attorney the
25 charges against you, the matter of federal sentencing, and how

1 those sentencing guidelines might apply in your case?

2 Have you done so, Mr. Nelson?

3 *DEFENDANT NELSON:* Yes, sir.

4 *THE COURT:* Mr. Rodriguez?

5 *DEFENDANT RODRIGUEZ:* Yes, sir.

6 *THE COURT:* Mr. Alvarez?

7 *DEFENDANT ALVAREZ:* Yes, sir.

8 *THE COURT:* Okay. Mr. Mena?

9 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

10 *THE COURT:* Ms. Flores?

11 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

12 *THE COURT:* Mr. Heo?

13 *DEFENDANT HEO:* Yes, sir.

14 *THE COURT:* And Ms. Fowler?

15 *DEFENDANT FOWLER:* Yes, sir.

16 *THE COURT:* Even so, I must inform you that it is
17 the Court's obligation in determining a sentence to calculate
18 the applicable sentencing guideline range and to consider that
19 range, along with any possible departures under the
20 guidelines, and any other sentencing factors under 18 U.S.C.
21 Section 3553(a).

22 The Court is not bound by facts that may be
23 stipulated between you and your attorney on the one hand and
24 the government on the other. The Court can impose punishment
25 that might disregard stipulated facts or take into account

1 facts that are not mentioned in stipulations. In that event,
2 you might not even be permitted to withdraw your plea of
3 guilty.

4 The Court will not be able to determine the proper
5 guideline range for your case until after that presentence
6 report has been completed and both you and the government have
7 had an opportunity to challenge the facts and the conclusions
8 that are in that report.

9 After the Court has determined the proper guideline
10 range under the facts of your case, the Court has the
11 authority to impose a sentence that is above, below, or within
12 the guideline range, as long as the sentence imposed is
13 reasonable and it's based upon the facts and the law.

14 You have the right to appeal the sentence the Court
15 imposes, unless you waive that right.

16 And under some circumstances, the government also
17 has the right to appeal.

18 Finally, I inform you that within our federal
19 system, parole has long ago been abolished, so that if you are
20 sentenced to imprisonment, you will not be released on any
21 type of federal parole.

22 Have each of you understood all of my explanations
23 with regard to federal sentencing?

24 Mr. Nelson?

25 *DEFENDANT NELSON:* Yes, sir.

1 THE COURT: Mr. Rodriguez?

2 DEFENDANT RODRIGUEZ: Yes, sir.

3 THE COURT: Mr. Alvarez?

4 DEFENDANT ALVAREZ: Yes, sir.

5 THE COURT: Mr. Mena?

6 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

7 THE COURT: Ms. Flores?

8 DEFENDANT FLORES-ESPINOZA: Yes, sir.

9 THE COURT: Mr. Heo?

10 DEFENDANT HEO: Yes, sir.

11 THE COURT: And Ms. Fowler?

12 DEFENDANT FOWLER: Yes, sir.

13 THE COURT: All right. Then let me ask some more
14 individualized questions at this time.

15 First, how old are you?

16 Mr. Nelson?

17 DEFENDANT NELSON: 54.

18 THE COURT: Mr. Rodriguez?

19 DEFENDANT RODRIGUEZ: 27.

20 THE COURT: Mr. Alvarez?

21 DEFENDANT ALVAREZ: 33.

22 THE COURT: Mr. Mena?

23 DEFENDANT MENA-RODRIGUEZ: 43.

24 THE COURT: Ms. Flores?

25 DEFENDANT FLORES-ESPINOZA: 38.

1 THE COURT: Mr. Heo?

2 DEFENDANT HEO: 29.

3 THE COURT: 29?

4 DEFENDANT HEO: Yes.

5 THE COURT: And Ms. Fowler?

6 DEFENDANT FOWLER: 54.

7 THE COURT: How far did each of you go in school
8 with your formal education?

9 Mr. Nelson?

10 DEFENDANT NELSON: Graduated high school.

11 THE COURT: Thank you.

12 Mr. Rodriguez?

13 DEFENDANT RODRIGUEZ: Tenth grade.

14 THE COURT: Mr. Alvarez?

15 DEFENDANT ALVAREZ: Eleventh.

16 THE COURT: Mr. Mena?

17 DEFENDANT MENA-RODRIGUEZ: Elementary school up to
18 sixth grade.

19 THE COURT: Okay. How about you, Ms. Flores?

20 DEFENDANT FLORES-ESPINOZA: I did go to college.

21 THE COURT: Okay. Mr. Heo?

22 DEFENDANT HEO: Some college.

23 THE COURT: All right. And Ms. Fowler?

24 DEFENDANT FOWLER: Graduated college.

25 THE COURT: Are any of you currently or have you

1 recently been under the care of a physician or a psychiatrist?

2 Mr. Nelson?

3 DEFENDANT NELSON: No, sir.

4 THE COURT: Mr. Rodriguez?

5 DEFENDANT RODRIGUEZ: No, sir.

6 THE COURT: Mr. Alvarez?

7 DEFENDANT ALVAREZ: No, sir.

8 THE COURT: Mr. Mena?

9 DEFENDANT MENA-RODRIGUEZ: No, sir.

10 THE COURT: Ms. Flores?

11 DEFENDANT FLORES-ESPINOZA: No, sir.

12 THE COURT: Mr. Heo?

13 DEFENDANT HEO: No, sir.

14 THE COURT: Ms. Fowler?

15 DEFENDANT FOWLER: No, sir.

16 THE COURT: Are any of you now under the influence
17 of alcohol or any narcotic drug?

18 Mr. Nelson?

19 DEFENDANT NELSON: No, sir.

20 THE COURT: Mr. Rodriguez?

21 DEFENDANT RODRIGUEZ: No, sir.

22 THE COURT: Mr. Alvarez?

23 DEFENDANT ALVAREZ: No, sir.

24 THE COURT: Mr. Mena?

25 DEFENDANT MENA-RODRIGUEZ: No, sir.

1 THE COURT: Ms. Flores?

2 DEFENDANT FLORES-ESPINOZA: No, sir.

3 THE COURT: Mr. Heo?

4 DEFENDANT HEO: No, sir.

5 THE COURT: Ms. Fowler?

6 DEFENDANT FOWLER: No, sir.

7 THE COURT: Do you suffer from any emotional or
8 mental disability?

9 Mr. Nelson?

10 DEFENDANT NELSON: No, sir.

11 THE COURT: Mr. Rodriguez?

12 DEFENDANT RODRIGUEZ: No, sir.

13 THE COURT: Mr. Alvarez?

14 DEFENDANT ALVAREZ: No, sir.

15 THE COURT: Mr. Mena?

16 DEFENDANT MENA-RODRIGUEZ: No, sir.

17 THE COURT: Ms. Flores?

18 DEFENDANT FLORES-ESPINOZA: No, sir.

19 THE COURT: Mr. Heo?

20 DEFENDANT HEO: No, sir.

21 THE COURT: Ms. Fowler?

22 DEFENDANT FOWLER: Yes, sir.

23 THE COURT: And is there anything about that
24 condition, Ms. Fowler, that would interfere with your ability
25 to understand what we're doing here today?

1 *DEFENDANT FOWLER:* No, sir.

2 *THE COURT:* Okay. Are you of sound mind and do you
3 fully understand what it is we're doing here this morning?

4 Mr. Nelson?

5 *DEFENDANT NELSON:* Yes, sir.

6 *THE COURT:* Mr. Rodriguez?

7 *DEFENDANT RODRIGUEZ:* Yes, sir.

8 *THE COURT:* Mr. Alvarez?

9 *DEFENDANT ALVAREZ:* Yes, sir.

10 *THE COURT:* Mr. Mena?

11 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

12 *THE COURT:* Ms. Fowler (sic)?

13 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

14 *THE COURT:* Mr. Heo?

15 *DEFENDANT HEO:* Yes, sir.

16 *THE COURT:* And Ms. Fowler?

17 *DEFENDANT FOWLER:* Yes, sir.

18 *THE COURT:* Did I say Fowler there? I meant Flores.

19 All right. So, let me just ask again: Are you of
20 sound mind and do you fully understand what it is we're doing
21 here today, Ms. Flores?

22 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

23 *THE COURT:* All right. Thank you.

24 To defense counsel: Do you have any reason to
25 believe that your client is not fully competent to enter a

1 plea of guilty?

2 Ms. Sullivan, for your clients today?

3 MS. SULLIVAN: No, Your Honor.

4 THE COURT: Mr. Lehmann, for your clients?

5 MR. LEHMANN: No, Your Honor.

6 THE COURT: And Ms. Carreras for yours?

7 MS. CARRERAS: No, Your Honor.

8 THE COURT: Do each of you believe that the guilty
9 plea your client proposes to make will be a knowing and
10 voluntary plea?

11 Ms. Sullivan, as to your clients?

12 MS. SULLIVAN: Yes, Your Honor.

13 THE COURT: Mr. Lehmann, as to yours?

14 MR. LEHMANN: Yes, Your Honor.

15 THE COURT: And Ms. Carreras?

16 MS. CARRERAS: I do, Your Honor.

17 THE COURT: All right. So, I note that defendants
18 Rodriguez and Ms. Flores and Ms. Fowler are all pleading
19 pursuant to informations, so I need to go over that process
20 with those defendants for just a few moments.

21 Each of you are charged with a felony offense, and
22 under the United States Constitution, you may not be charged
23 with a felony unless a grand jury finds by the return of an
24 indictment that there's probable cause to believe that the
25 felony occurred and that you committed it.

1 However, you may waive your right to indictment by
2 the grand jury and consent to being charged by way of an
3 information filed by the United States Attorney's Office. The
4 felony charges against Mr. Rodriguez, Ms. Flores, and
5 Ms. Fowler that are before the Court today have all been
6 brought by the filing of just such an information.

7 If you do not waive indictment and the government
8 wishes to pursue this charge against you, then the government
9 must present its case to a grand jury and request the return
10 of an indictment on the charge against you.

11 A grand jury is composed of at least 16 but not more
12 than 23 persons, and at least 12 grand jurors must find that
13 there's probable cause to believe that you committed the
14 offense with which you are charged before you would be
15 indicted.

16 So, a grand jury might or it might not indict you on
17 this charge in your information, but if you waive indictment
18 by the grand jury, the case will proceed against you based
19 upon the information filed by the U.S. Attorney just as though
20 you have been indicted.

21 So, let me ask each of you: Have you discussed with
22 your attorney the matter of waiving your right to indictment
23 by the grand jury and do you fully understand that right?

24 Mr. Rodriguez?

25 DEFENDANT RODRIGUEZ: Yes, sir.

1 THE COURT: Okay. Ms. Flores?

2 DEFENDANT FLORES-ESPINOZA: Yes, sir.

3 THE COURT: Ms. Fowler?

4 DEFENDANT FOWLER: Yes, sir.

5 THE COURT: Have any threats or promises been made
6 in an effort to induce you to waive indictment?

7 Mr. Rodriguez?

8 DEFENDANT RODRIGUEZ: No, sir.

9 THE COURT: Okay. Ms. Flores?

10 DEFENDANT FLORES-ESPINOZA: No, sir.

11 THE COURT: Ms. Fowler?

12 DEFENDANT FOWLER: No, sir.

13 THE COURT: Is it your signature that appears on the
14 written waiver of indictment on file in your case?

15 Mr. Rodriguez?

16 DEFENDANT RODRIGUEZ: Yes, sir.

17 THE COURT: Ms. Flores?

18 DEFENDANT FLORES-ESPINOZA: Yes, sir.

19 THE COURT: And Ms. Fowler?

20 DEFENDANT FOWLER: Yes, sir.

21 THE COURT: Now, even though Ms. Fowler's is on
22 file, it's got a place for the Court's signature, so I'm going
23 to sign it and have it refiled with the correction to the
24 style that we've talked about as well.

25 The others are on file, but do not have a place for

1 the Court's signature.

2 I'm satisfied that each of the defendants have
3 knowingly and voluntarily waived his or her right to
4 indictment by the grand jury and that waiver is accepted here
5 in court.

6 Julie, will you make sure to file this one that I've
7 made the change and signed? Thank you.

8 All right. Let me ask each defendant: Have you
9 received a copy of the charges against you in your case?

10 Your indictment, Mr. Nelson?

11 *DEFENDANT NELSON:* Yes, sir.

12 *THE COURT:* Your information, Mr. Rodriguez?

13 *DEFENDANT RODRIGUEZ:* Yes, sir.

14 *THE COURT:* Your indictment, Mr. Alvarez?

15 *DEFENDANT ALVAREZ:* Yes, sir.

16 *THE COURT:* Your indictment, Mr. Mena?

17 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

18 *THE COURT:* Have you received a copy of your
19 information, Ms. Flores?

20 *DEFENDANT FLORES-ESPINOZA:* Oh, yes.

21 *THE COURT:* Your indictment, Mr. Heo?

22 *DEFENDANT HEO:* Yes, sir.

23 *THE COURT:* And your superseding information,
24 Ms. Fowler?

25 *DEFENDANT FOWLER:* Yes, sir.

1 *THE COURT:* Have each of you read or had read to you
2 your charges and do you fully understand the nature of those
3 charges?

4 Mr. Nelson?

5 *DEFENDANT NELSON:* Yes, sir.

6 *THE COURT:* Mr. Rodriguez?

7 *DEFENDANT RODRIGUEZ:* Yes, sir.

8 *THE COURT:* Mr. Alvarez?

9 *DEFENDANT ALVAREZ:* Yes, sir.

10 *THE COURT:* Mr. Mena?

11 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

12 *THE COURT:* Ms. Flores?

13 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

14 *THE COURT:* Mr. Heo?

15 *DEFENDANT HEO:* Yes, sir.

16 *THE COURT:* And Ms. Fowler?

17 *DEFENDANT FOWLER:* Yes, sir.

18 *THE COURT:* It would be appropriate at this time of
19 the proceeding for the United States Attorney to read each of
20 your charges here in open court; however, as a time-saving
21 matter, I will allow you to waive the reading of your formal
22 charges.

23 Do you wish to waive that reading, Mr. Nelson?

24 *DEFENDANT NELSON:* Yes, sir.

25 *THE COURT:* Mr. Rodriguez?

1 *DEFENDANT RODRIGUEZ:* Yes, sir.

2 *THE COURT:* Mr. Alvarez?

3 *DEFENDANT ALVAREZ:* Yes, sir.

4 *THE COURT:* Mr. Mena?

5 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

6 *THE COURT:* Ms. Flores?

7 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

8 *THE COURT:* Mr. Heo?

9 *DEFENDANT HEO:* Yes, sir.

10 *THE COURT:* And Ms. Fowler?

11 *DEFENDANT FOWLER:* Yes, sir.

12 *THE COURT:* I will not require your charges to be
13 read here in open court.

14 You also have the right to have explained to you
15 what are called the essential elements of the offense to which
16 you are pleading, so I will ask upon Mr. Gatto with the U.S.
17 Attorney's Office to now set forth essential elements in each
18 case to the charge to which the defendant proposes to plead.
19 Please listen carefully as your case is called.

20 Mr. Gatto, you may group these as appropriate.

21 *MR. GATTO:* Your Honor, the only cases that will be
22 grouped is Mr. Nelson and Mr. Alvarez.

23 *THE COURT:* Okay.

24 *MR. GATTO:* And that is, for those elements:

25 First, that the defendant knowingly possessed a

1 firearm, as charged.

2 Second, that before the defendant possessed the
3 firearm, the defendant had been convicted in a court of a
4 crime punishable by imprisonment for a term in excess of one
5 year.

6 Third, the defendant knew he had been convicted of
7 such a crime at the time he possessed the firearm.

8 And fourth, that the firearm possessed traveled in
9 and affected interstate or foreign commerce; that is, before
10 the defendant possessed the charged firearm, it had traveled
11 at some time from one state to another or between any part of
12 the United States and any other country.

13 *THE COURT:* Let me ask each of you:

14 Do you understand and admit that you committed all
15 of the essential elements of that offense?

16 Mr. Nelson?

17 *DEFENDANT NELSON:* Yes, sir.

18 *THE COURT:* Mr. Alvarez?

19 *DEFENDANT ALVAREZ:* Yes, sir.

20 *MR. GATTO:* As to Mr. Rodriguez:

21 First, that the defendant was in federal custody.

22 Second, that the defendant was in federal custody
23 due to a conviction for an offense.

24 Third, that the defendant left federal custody
25 without permission.

1 And fourth, that the defendant knew leaving would
2 result in his absence from custody without permission.

3 THE COURT: Mr. Rodriguez, do you understand and
4 admit that you committed all of the essential elements of that
5 offense?

6 DEFENDANT RODRIGUEZ: Yes, sir.

7 THE COURT: Okay.

8 (Bench Conference with Courtroom Deputy)

9 THE COURT: All right. You may continue, Mr. Gatto.

10 MR. GATTO: As to Mr. Mena:

11 First, that on or about the alleged date, the
12 defendant was an alien.

13 Second, that the defendant was previously removed
14 from the United States.

15 Third, that the defendant was found in the United
16 States.

17 And fourth, that the defendant had not received the
18 express consent of either the Attorney General of the United
19 States or the Secretary of the Department of Homeland Security
20 to reapply for admission to the United States since the time
21 of the defendant's previous removal.

22 THE COURT: Mr. Mena, do you understand and admit
23 that you committed all of the essential elements of that
24 offense?

25 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

1 MR. GATTO: As to Ms. Flores:

2 First, that the defendant knowingly made a false
3 statement or representation.

4 Second, that the defendant made the statement or
5 representation to a licensed dealer, importer, manufacturer or
6 collector of firearms within the meaning of Chapter 44, Title
7 18, United States Code.

8 And third, that the statement pertained to
9 information that the law requires the licensed dealer,
10 importer, manufacturer, or collector to keep.

11 She's also charged as an aider and abettor, and the
12 elements of aiding and abetting are:

13 First, that the offense of making a false statement
14 to a licensed firearms dealer was committed.

15 Second, that the defendant associated with the
16 criminal venture.

17 Third, that the defendant purposely participated in
18 the criminal venture.

19 And fourth, that the defendant sought by action to
20 make the venture successful.

21 THE COURT: Ms. Flores, do you understand and admit
22 that you committed all of the essential elements of that
23 offense?

24 DEFENDANT FLORES-ESPINOZA: Yes, sir.

25 MR. GATTO: As to Mr. Heo:

1 First, that on or about the date alleged in the
2 indictment, the defendant intentionally took money from a
3 person or presence of another.

4 Second, that the money belonged to a bank, the
5 deposits of which were then insured by the Federal Deposit
6 Insurance Corporation.

7 And third, that the defendant took the money by
8 means of intimidation.

9 THE COURT: Mr. Heo, do you understand and admit
10 that you committed all of the essential elements of that
11 offense?

12 DEFENDANT HEO: Yes, sir.

13 MR. GATTO: And finally, as to Ms. Fowler:

14 First, that two or more persons, directly or
15 indirectly, reached an agreement to distribute or possess with
16 intent to distribute a controlled substance, as charged in the
17 information.

18 Second, that the defendant knew of the unlawful
19 purpose of the agreement.

20 Third, that the defendant joined in the agreement
21 willfully, that is, with the intent to further its unlawful
22 purpose.

23 Fourth, that the overall scope of the conspiracy
24 involved a mixture and substance containing a detectable
25 amount of methamphetamine, a Schedule II controlled substance.

1 And fifth, the defendant knew or reasonably should
2 have known that the scope of the conspiracy involved a mixture
3 and substance containing a detectable amount of
4 methamphetamine.

5 *THE COURT:* All right. Ms. Fowler, do you
6 understand and admit that you committed all of the essential
7 elements of that offense?

8 *DEFENDANT FOWLER:* Yes, sir.

9 *THE COURT:* Okay. To all defendants:

10 You are appearing here today with your attorney and
11 you have indicated to me that you have discussed with your
12 attorney the charges against you, the matter of federal
13 sentencing, and how the sentencing guidelines might apply in
14 your case.

15 Are each of you fully satisfied with the legal
16 representation and advice that you have received from your
17 attorney in your case?

18 Mr. Nelson?

19 *DEFENDANT NELSON:* Yes, sir.

20 *THE COURT:* Mr. Rodriguez?

21 *DEFENDANT RODRIGUEZ:* Yes, sir.

22 *THE COURT:* Mr. Alvarez?

23 *DEFENDANT ALVAREZ:* Yes, sir.

24 *THE COURT:* Mr. Mena?

25 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

1 THE COURT: Ms. Flores?

2 DEFENDANT FLORES-ESPINOZA: Yes, sir.

3 THE COURT: Mr. Heo?

4 DEFENDANT HEO: Yes, sir.

5 THE COURT: And Ms. Fowler?

6 DEFENDANT FOWLER: Yes, sir.

7 THE COURT: There are two plea agreements before the
8 Court, one for Ms. Flores and one for Ms. Fowler, so I need to
9 go over a few documents with those defendants for a moment.

10 For Ms. Flores, I have a plea agreement with waiver
11 of appeal, as well as a separate document entitled plea
12 agreement supplement.

13 And for Ms. Fowler, yours -- I have one document
14 entitled Plea Agreement, with appellate rights waiver in
15 parenthesis.

16 So, for these questions I'm going to ask you, those
17 are the documents in each case, each of your cases, that I'm
18 referring to.

19 First, is it your signature on your plea agreement
20 and supplement, Ms. Flores?

21 DEFENDANT FLORES-ESPINOZA: Yes, sir.

22 THE COURT: And is it your signature on yours,
23 Ms. Fowler?

24 DEFENDANT FOWLER: Yes, sir.

25 THE COURT: Now, I note in Ms. Fowler's plea

1 agreement, the date for the signatures has been left blank on
2 page 7 where the U.S. Attorneys have signed it.

3 I note that Ms. Fowler signed on July 20th, 2023.
4 Ms. Carreras signed on -- July 24th, 2023?

5 MS. CARRERAS: I think that's a -- we signed
6 together, so I think it was probably the 20th.

7 THE COURT: Okay. The 20th?

8 MS. CARRERAS: The 20th. I can double-check that in
9 my notes.

10 THE COURT: I'm just going to -- I'm just going to
11 take the 20th as the date signed --

12 DEFENDANT FOWLER: Okay.

13 THE COURT: -- for the record, and we're not going
14 to correct -- since it's already on file, we would have to
15 file an amended one. Let's just take July 20th, 2023, as the
16 signature date.

17 Is that acceptable to the government?

18 MR. GATTO: Yes, Your Honor.

19 THE COURT: And any issue from the defense?

20 MS. CARRERAS: Nothing from the defense, Your Honor.

21 Thank you.

22 THE COURT: Do you agree, Ms. Fowler?

23 DEFENDANT FOWLER: Yes.

24 (Bench Conference with Courtroom Deputy)

25 THE COURT: All right. So, it is each of your

1 signatures on your plea agreements.

2 Did you read or have read to you your plea
3 documents, and do you fully understand all of your plea
4 documents?

5 Ms. Flores?

6 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

7 *THE COURT:* Ms. Fowler?

8 *DEFENDANT FOWLER:* Yes, sir.

9 *THE COURT:* By placing your signature upon your plea
10 documents, are you asking the Court to accept and approve your
11 agreement with the government?

12 Ms. Flores?

13 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

14 *THE COURT:* Ms. Fowler?

15 *DEFENDANT FOWLER:* Yes, sir.

16 *THE COURT:* Each plea agreement does have a waiver
17 of appeal. It's paragraph 14 on page 7 of Ms. Flores' plea
18 agreement, and paragraph 12 on page 6 of your plea agreement,
19 Ms. Fowler.

20 I just want to specifically ask you: Did you read
21 and fully understand the waiver of appeal paragraph and did
22 you discuss it with your attorney?

23 Ms. Flores?

24 *(Conferring with counsel)*

25 *DEFENDANT FLORES-ESPINOZA:* Okay. Yes.

1 THE COURT: All right. How about for you,
2 Ms. Fowler?

3 DEFENDANT FOWLER: Yes, sir.

4 THE COURT: Okay. Do each of you knowingly and
5 voluntarily waive your right to appeal as it is set forth in
6 your plea agreement?

7 Ms. Flores?

8 DEFENDANT FLORES-ESPINOZA: Yes, sir.

9 THE COURT: Ms. Fowler?

10 DEFENDANT FOWLER: Yes, sir.

11 THE COURT: Are all of the terms of your agreement
12 with the government set forth in your written plea documents?

13 Ms. Flores?

14 DEFENDANT FLORES-ESPINOZA: Yes.

15 THE COURT: Ms. Fowler?

16 DEFENDANT FOWLER: Yes, sir.

17 THE COURT: Did you voluntarily and of your own free
18 will enter into this agreement with the government?

19 Ms. Flores?

20 DEFENDANT FLORES-ESPINOZA: Yes, sir.

21 THE COURT: And Ms. Fowler?

22 DEFENDANT FOWLER: Yes.

23 THE COURT: Other than the written plea agreement,
24 has anyone made any promise or assurance to you of any kind in
25 an effort to induce you to enter a plea of guilty in your

1 case?

2 Ms. Flores?

3 *DEFENDANT FLORES-ESPINOZA:* No, sir.

4 *THE COURT:* Ms. Fowler?

5 *DEFENDANT FOWLER:* No, sir.

6 *THE COURT:* All right. Then I note that the plea
7 agreement -- the plea documents in each of these cases is
8 already on file in your cases.

9 Let me ask those without a plea agreement: Has
10 anyone made any promise or assurance to you of any kind in an
11 effort to induce you to enter a plea of guilty in your case?

12 Mr. Nelson?

13 *DEFENDANT NELSON:* No, sir.

14 *THE COURT:* Mr. Rodriguez?

15 *(Conferring with counsel)*

16 *DEFENDANT RODRIGUEZ:* No, sir.

17 *THE COURT:* Okay. Mr. Alvarez?

18 *DEFENDANT ALVAREZ:* No, sir.

19 *THE COURT:* Mr. Mena?

20 *DEFENDANT MENA-RODRIGUEZ:* No, sir.

21 *THE COURT:* Mr. Heo?

22 *DEFENDANT HEO:* No, sir.

23 *MR. GATTO:* Your Honor?

24 *THE COURT:* Yes.

25 *MR. GATTO:* Just as to Ms. Fowler, hers is an

1 amended plea agreement, which is not on file yet because we
2 just did that one today.

3 *THE COURT:* Oh, you're right. No, I don't have that
4 one in front of me -- I do. I buried it. You're correct.
5 Forgive me for that.

6 *MR. GATTO:* And if you don't mind ordering it filed?

7 *THE COURT:* And so that you would have a new
8 signature date on here, I'm assuming.

9 *MR. GATTO:* Yeah. I had put 24 July. That's why I
10 was wondering where that came from.

11 *THE COURT:* Well, the original one on file for
12 Ms. Fowler had a blank there above the signature.

13 *MR. GATTO:* Yeah, but when I did this one, I dated
14 it, and I dated it 24 July because I think that's when counsel
15 signed it, and that's when we got it, so --

16 *MS. CARRERAS:* I believe, Your Honor, my date must
17 have been blank, and I signed it on the -- or I put the date
18 in on the 24th as the date that I sent it to the government,
19 so --

20 *MR. GATTO:* Which is fine, and 24 July works as an
21 operative date, too. I know we said earlier 20 July, but --

22 *THE COURT:* That will be fine.

23 Ms. Fowler, would any of your answers change with
24 regard to your plea agreement based upon this amendment that
25 we've all talked about?

1 *DEFENDANT FOWLER:* No, sir.

2 *THE COURT:* Okay. I'm satisfied then. So, we will
3 order the filing of the amended plea agreement, which changes
4 the style as the defense requested, and does now reflect
5 signature dates as well.

6 Thank you for catching that.

7 All right. Where was I?

8 Did I ask if anyone mentally, physically, or in any
9 other way -- okay.

10 Let me ask each defendant: Has anyone mentally,
11 physically, or in any other way attempted to force you to
12 plead guilty in your case?

13 Mr. Nelson?

14 *DEFENDANT NELSON:* No, sir.

15 *THE COURT:* Mr. Rodriguez?

16 *DEFENDANT RODRIGUEZ:* No, sir.

17 *THE COURT:* Mr. Alvarez?

18 *DEFENDANT ALVAREZ:* No, sir.

19 *THE COURT:* Mr. Mena?

20 *DEFENDANT MENA-RODRIGUEZ:* No, sir.

21 *THE COURT:* Ms. Flores?

22 *DEFENDANT FLORES-ESPINOZA:* No, sir.

23 *THE COURT:* Mr. Heo?

24 *DEFENDANT HEO:* No, sir.

25 *THE COURT:* And Ms. Fowler?

1 *DEFENDANT FOWLER:* No, sir.

2 *THE COURT:* Are you a citizen of the United States?
3 Mr. Nelson?

4 *DEFENDANT NELSON:* Yes, sir.

5 *THE COURT:* Mr. Rodriguez?

6 *DEFENDANT RODRIGUEZ:* No, sir.

7 *THE COURT:* Mr. Alvarez?

8 *DEFENDANT ALVAREZ:* Yes, sir.

9 *THE COURT:* Mr. Mena?

10 *DEFENDANT MENA-RODRIGUEZ:* No, sir.

11 *THE COURT:* Ms. Flores?

12 *DEFENDANT FLORES-ESPINOZA:* No, sir.

13 *THE COURT:* Mr. Heo?

14 *DEFENDANT HEO:* Yes, sir.

15 *THE COURT:* And Ms. Fowler?

16 *DEFENDANT FOWLER:* Yes, sir.

17 *THE COURT:* So, as to defendants Rodriguez, Mena,
18 and Flores, I need to inform you that your conviction in your
19 case could result in deportation, that is, you could be
20 required to leave the United States, and it could adversely
21 affect your ability to ever become a citizen of the United
22 States.

23 Have each of you discussed with your attorneys the
24 probability that you could be deported if you are adjudged
25 guilty of the charge against you, and that your deportation by

1 U.S. immigration officials may even be mandatory or certain?

2 Have you done so, Mr. Rodriguez?

3 DEFENDANT RODRIGUEZ: No, sir.

4 THE COURT: You have not? Okay. Then I need y'all
5 to have that conversation. You need to understand --

6 Well, let her advise you as to what I've just
7 explained.

8 (Conferring with counsel)

9 THE COURT: Have you discussed all of that with your
10 attorney, Mr. Mena?

11 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

12 THE COURT: Ms. Flores?

13 DEFENDANT FLORES-ESPINOZA: Yes, sir.

14 THE COURT: All right. And Mr. Rodriguez, have you
15 had a chance to now discuss that with your attorney?

16 DEFENDANT RODRIGUEZ: Yes, sir.

17 THE COURT: Okay.

18 MS. SULLIVAN: Your Honor, he wanted to clarify that
19 he is a citizen. He misunderstood your initial question.

20 THE COURT: Okay. And that probably took place with
21 Mr. Weinbel, your attorney, Chris Weinbel, who was your
22 attorney up until today?

23 DEFENDANT RODRIGUEZ: Yes, sir.

24 THE COURT: Okay. All right. Very good. I think
25 that's clear.

1 To the remaining defendants: As citizens, I need to
2 inform you that the offense to which you're pleading guilty is
3 a felony, and conviction of a felony may deprive you of
4 valuable rights of your citizenship, such as the right to
5 vote, to ever hold public office or serve on a jury, to ever
6 possess any kind of firearm, and other valuable rights.

7 Do you understand that consequence, Mr. Nelson?

8 *DEFENDANT NELSON:* Yes, sir.

9 *THE COURT:* Mr. Alvarez?

10 *DEFENDANT ALVAREZ:* Yes, sir.

11 *THE COURT:* Let's see. Mr. Heo?

12 *DEFENDANT HEO:* Yes, sir.

13 *THE COURT:* And Ms. Fowler?

14 *DEFENDANT FOWLER:* Yes, sir.

15 *THE COURT:* In addition, I'll call upon Mr. Gatto
16 with the U.S. Attorney's Office to now set forth the potential
17 penalties for and consequences of conviction for the charge to
18 which each defendant proposes to plead.

19 Again, please listen carefully.

20 *MR. GATTO:* The punishments as to Mr. Nelson and
21 Mr. Alvarez are the same, and that is:

22 Imprisonment for a period not to exceed 15 years; a
23 fine not to exceed \$250,000; a supervised-release term not to
24 exceed 3 years, which would follow any term of imprisonment;
25 and if the defendant violated any of those supervised-release

1 conditions, the Court could revoke the supervised release and
2 order the defendant serve an additional period of confinement;
3 a \$100 mandatory special assessment; possible restitution to
4 victims or the community; and forfeiture of firearms and
5 ammunition.

6 *THE COURT:* And do each of you understand that if
7 you plead guilty, you may be subject to those penalties and
8 consequences just explained?

9 Mr. Nelson?

10 *DEFENDANT NELSON:* Yes, sir.

11 *THE COURT:* Mr. Alvarez?

12 *DEFENDANT ALVAREZ:* Yes, sir.

13 *MR. GATTO:* As to Mr. Rodriguez:

14 Imprisonment not to exceed 5 years; a fine not to
15 exceed \$250,000; a supervised-release term not to exceed 3
16 years, which would follow any term of imprisonment; and if the
17 defendant violated any of those conditions of supervised
18 release, the Court could revoke that supervised release and
19 order the defendant serve additional confinement; a \$100
20 mandatory special assessment; restitution, which may be
21 mandatory under the law; and costs of incarceration and
22 supervision.

23 *THE COURT:* Mr. Rodriguez, do you understand that if
24 you plead guilty, you may be subject to the penalties and
25 consequences just explained?

1 *DEFENDANT RODRIGUEZ:* Yes, sir.

2 *MR. GATTO:* As to Mr. Mena:

3 A term of imprisonment not to exceed 10 years; a
4 fine of \$250,000; a supervised-release term not to exceed 3
5 years; and if the defendant violates those conditions of
6 supervised release, which would follow any term of
7 imprisonment, the Court could revoke that term of supervised
8 release and order the defendant serve additional time in
9 confinement; a \$100 mandatory special assessment; and, of
10 course, the immigration consequences that were referred
11 earlier.

12 *THE COURT:* All right. And that was for
13 Mr. Rodriguez?

14 *MR. GATTO:* Mena-Rodriguez.

15 *THE COURT:* Mena, pardon me.

16 Mr. Mena, do you understand that if you plead
17 guilty, you may be subject to the penalties and the
18 consequences just explained?

19 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

20 *MR. GATTO:* As to Ms. Flores:

21 Imprisonment for a period not to exceed 5 years; a
22 fine not to exceed \$250,000, or both a fine and imprisonment;
23 a supervised-release term not to exceed 3 years, which would
24 follow any imprisonment term; and if the defendant violated
25 the supervised-release conditions, the Court could revoke that

1 supervised release and order the defendant serve additional
2 prison time; a \$100 mandatory special assessment; possible
3 restitution; and forfeiture of property.

4 *THE COURT:* Ms. Flores, do you understand that if
5 you plead guilty, you may be subject to those penalties and
6 consequences just explained?

7 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

8 *MR. GATTO:* As to Mr. Heo:

9 Imprisonment not to exceed 20 years; a fine not to
10 exceed \$250,000, or twice any pecuniary gain to the defendant
11 or twice any loss to any victims; a supervised-release term
12 not to exceed 3 years, which would follow any imprisonment
13 term; and if the defendant violated those supervised-release
14 conditions, the Court could revoke the supervised release and
15 order the defendant serve an additional period in confinement;
16 a \$100 mandatory special assessment; restitutions to the
17 victim or the community, which may be mandatory under the law;
18 forfeiture of property; and costs of incarceration and
19 supervision.

20 *THE COURT:* Mr. Heo, do you understand that if you
21 plead guilty, you may be subject to those penalties and
22 consequences just explained?

23 *DEFENDANT HEO:* Yes, sir.

24 *MR. GATTO:* And finally, as to Ms. Fowler:

25 Imprisonment not to exceed 20 years; a fine not to

1 exceed \$1 million, or both a fine and imprisonment; a
2 supervised-release term of at least 3 years to a maximum of
3 life, which is mandatory under the law and would follow any
4 imprisonment term; if the defendant violated any of the
5 supervised-release conditions, the Court could revoke the
6 supervised release and order the defendant serve additional
7 prison time; a \$100 mandatory special assessment; and
8 forfeiture of property.

9 *THE COURT:* Ms. Fowler, do you understand that if
10 you plead guilty, you may be subject to those penalties and
11 consequences just explained?

12 *DEFENDANT FOWLER:* Yes, sir.

13 *THE COURT:* Okay. To all defendants: Do you
14 understand that if the -- let me pause just a moment.

15 (Defendant Fowler and counsel conferring)

16 *THE COURT:* To all defendants: Do you understand
17 that if the sentence you receive is more severe than you might
18 expect, you'll still be bound by your plea of guilty and
19 you'll have no right to withdraw it?

20 Do you understand, Mr. Nelson?

21 *DEFENDANT NELSON:* Yes, sir.

22 *THE COURT:* Mr. Rodriguez?

23 *DEFENDANT RODRIGUEZ:* Yes, sir.

24 *THE COURT:* Mr. Alvarez?

25 *DEFENDANT ALVAREZ:* Yes, sir.

1 THE COURT: Mr. Mena?

2 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

3 THE COURT: Ms. Flores?

4 DEFENDANT FLORES-ESPINOZA: Yes, sir.

5 THE COURT: Mr. Heo?

6 DEFENDANT HEO: Yes, sir.

7 THE COURT: Ms. Fowler?

8 DEFENDANT FOWLER: Yes, sir.

9 THE COURT: The plea agreements before the Court for
10 Ms. Flores and Ms. Fowler do contain language of a promise by
11 the government to dismiss other charges or to not bring
12 additional charges, and, therefore, the Court must decide
13 whether to accept those plea agreements.

14 If the Court were to reject them, you would
15 then have an -- on that basis, you would then have an
16 opportunity to withdraw your guilty plea and change it to not
17 guilty.

18 I don't recall seeing a nonbinding recommendation in
19 either one. Okay.

20 Now, I know we've talked about a lot up to this
21 point. Do any of you have any questions for your attorney or
22 for me about anything that we've talked about?

23 Mr. Nelson?

24 DEFENDANT NELSON: No, sir.

25 THE COURT: Mr. Rodriguez?

1 *DEFENDANT RODRIGUEZ:* No, sir.

2 *THE COURT:* Any questions, Mr. Alvarez?

3 *DEFENDANT ALVAREZ:* No, sir.

4 *THE COURT:* Mr. Mena?

5 *DEFENDANT MENA-RODRIGUEZ:* No, sir.

6 *THE COURT:* Ms. Flores?

7 *DEFENDANT FLORES-ESPINOZA:* No, sir.

8 *THE COURT:* Any questions, Mr. Heo?

9 *DEFENDANT HEO:* No, sir.

10 *THE COURT:* Ms. Fowler?

11 *DEFENDANT FOWLER:* No, sir.

12 *THE COURT:* Then having heard all of the foregoing,

13 I now ask:

14 How do you plead to the one-count indictment against
15 you, Mr. Nelson, guilty or not guilty?

16 *DEFENDANT NELSON:* Guilty.

17 *THE COURT:* How do you plead to the one-count
18 information against you, Mr. Rodriguez, guilty or not guilty?

19 *DEFENDANT RODRIGUEZ:* Guilty.

20 *THE COURT:* How do you plead to the one-count
21 indictment against you, Mr. Alvarez, guilty or not guilty?

22 *DEFENDANT ALVAREZ:* Guilty.

23 *THE COURT:* How do you plead to the one-count
24 indictment against you, Mr. Mena, guilty or not guilty?

25 *DEFENDANT MENA-RODRIGUEZ:* Guilty.

1 *THE COURT:* How do you plead to the one-count
2 information against you, Ms. Flores, guilty or not guilty?

3 *DEFENDANT FLORES-ESPINOZA:* Guilty.

4 *THE COURT:* How do you plead to the one-count
5 indictment against you, Mr. Heo, guilty or not guilty?

6 *DEFENDANT HEO:* Guilty.

7 *THE COURT:* And how do you plead to the one-count
8 superseding information against you, Ms. Fowler, guilty or not
9 guilty?

10 *DEFENDANT FOWLER:* Guilty, Your Honor.

11 *THE COURT:* To defense counsel: Is the guilty plea
12 of your client consistent with your legal advice?

13 Ms. Sullivan, as to all clients?

14 *MS. SULLIVAN:* Yes, Your Honor.

15 *THE COURT:* Mr. Lehmann, as to all clients?

16 *MR. LEHMANN:* Yes, Your Honor.

17 *THE COURT:* And Ms. Carreras?

18 *MS. CARRERAS:* Yes, Your Honor.

19 *THE COURT:* Then I'll accept each of the pleas of
20 guilty before the Court on the condition that there is a
21 factual basis to support such pleas, and in federal court, we
22 do that by way of a document entitled a factual resume. I
23 have received factual resumes for each of the cases before the
24 Court this morning, and these factual resumes appear to be
25 signed by each defendant and his or her counsel.

1 Is it your signature on your factual resume,
2 Mr. Nelson?

3 DEFENDANT NELSON: Yes, sir.

4 THE COURT: Mr. Rodriguez?

5 DEFENDANT RODRIGUEZ: Yes, sir.

6 THE COURT: Mr. Alvarez?

7 DEFENDANT ALVAREZ: Yes, sir.

8 THE COURT: Is it your signature on your factual
9 resume, Mr. Mena?

10 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

11 THE COURT: Ms. Flores?

12 DEFENDANT FLORES-ESPINOZA: Yes, sir.

13 THE COURT: Mr. Heo?

14 DEFENDANT HEO: Yes, sir.

15 THE COURT: And Ms. Fowler, we have an amended
16 factual resume reflecting that same change to the style of the
17 case.

18 Is it your signature on that amended factual resume?

19 DEFENDANT FOWLER: Yes, sir.

20 THE COURT: Okay. Let me ask each of the
21 defendants:

22 Have you read or had read to you your factual resume
23 and do you fully understand this document in your case?

24 Mr. Nelson?

25 DEFENDANT NELSON: Yes, sir.

1 THE COURT: Mr. Rodriguez?

2 DEFENDANT RODRIGUEZ: Yes, sir.

3 THE COURT: Mr. Alvarez?

4 DEFENDANT ALVAREZ: Yes, sir.

5 THE COURT: Mr. Mena?

6 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

7 THE COURT: Ms. Flores?

8 DEFENDANT FLORES-ESPINOZA: Yes, sir.

9 THE COURT: Mr. Heo?

10 DEFENDANT HEO: Yes, sir.

11 THE COURT: And Ms. Fowler, as to your amended as
12 well?

13 DEFENDANT FOWLER: Yes, sir.

14 THE COURT: Are the facts that are stated in your
15 factual resume true and correct?

16 Mr. Nelson?

17 DEFENDANT NELSON: Yes, sir.

18 THE COURT: Mr. Rodriguez?

19 DEFENDANT RODRIGUEZ: Yes, sir.

20 THE COURT: Mr. Alvarez?

21 DEFENDANT ALVAREZ: Yes, sir.

22 THE COURT: Mr. Mena?

23 DEFENDANT MENA-RODRIGUEZ: Yes, sir.

24 THE COURT: Ms. Flores?

25 DEFENDANT FLORES-ESPINOZA: Yes, sir.

1 THE COURT: Mr. Heo?

2 DEFENDANT HEO: Yes, sir.

3 THE COURT: And Ms. Fowler?

4 DEFENDANT FOWLER: Yes, sir.

5 THE COURT: To defense counsel: Are the facts
6 stated in your clients' factual resumes consistent with the
7 true facts as you understand them from your investigation?

8 Ms. Sullivan, as to all clients?

9 MS. SULLIVAN: Yes, Your Honor.

10 THE COURT: Mr. Lehmann, as to all clients?

11 MR. LEHMANN: Yes, Your Honor.

12 THE COURT: And Ms. Carreras?

13 MS. CARRERAS: Yes, Your Honor.

14 THE COURT: Okay. It would be appropriate at this
15 time --

16 (Defendant Fowler and counsel conferring)

17 THE COURT: It would be appropriate at this time of
18 the proceeding to have the United States Attorney read the
19 facts out of each factual resume before the Court; however,
20 based upon the answers from each defendant and defense counsel
21 regarding those facts, as a time-saving matter, I will allow
22 you to waive the reading of your facts here in open court.

23 Do you wish to waive that reading, Mr. Nelson?

24 DEFENDANT NELSON: Yes, sir.

25 THE COURT: Mr. Rodriguez?

1 *DEFENDANT RODRIGUEZ:* Yes, sir.

2 *THE COURT:* Mr. Alvarez?

3 *DEFENDANT ALVAREZ:* Yes, sir.

4 *THE COURT:* Mr. Mena?

5 *DEFENDANT MENA-RODRIGUEZ:* Yes, sir.

6 *THE COURT:* Ms. Flores?

7 *DEFENDANT FLORES-ESPINOZA:* Yes, sir.

8 *THE COURT:* Mr. Heo?

9 *DEFENDANT HEO:* Yes, sir.

10 *THE COURT:* And Ms. Fowler?

11 *DEFENDANT FOWLER:* Yes, sir.

12 *THE COURT:* Okay. I will not require the facts to
13 be read out of the factual resumes.

14 I order the amended factual resume to be filed for
15 Ms. Fowler, and as to all factual resumes to the extent not
16 already on file.

17 The Court being satisfied with the responses given
18 during this hearing finds that each defendant is fully
19 competent and capable of entering an informed plea, and that
20 his or her plea of guilty to the charge against him or her is
21 a knowing and voluntary plea supported by an independent basis
22 in fact containing each of the essential elements of the
23 offense charged against the defendant.

24 I hereby accept each of your pleas of guilty, and I
25 pronounce you guilty of the charge to which you have pled.

1 As I stated earlier in the proceeding, a presentence
2 report will be prepared by the probation office to assist the
3 district court in sentencing. You will be asked to give
4 information for that report, and your degree of cooperation
5 could be a factor in the severity of the sentence you receive.

6 Your attorney is ordered to be present at your
7 interview, having a recent familiarity with the sentencing
8 guidelines, and, specifically, Section 3E1.1, application note
9 1(a), which deals with acceptance of responsibility.

10 Because I have conducted this hearing based upon
11 your consent and the referral of the matter to me, I make a
12 written report to the district court, to the district judge,
13 telling him what you have said and done here today and what I
14 have found.

15 I also tell you that if you or your attorney have
16 any objections to anything I may have said or done, or to the
17 report itself, those objections must be filed within 14 days
18 from the date of this hearing.

19 My clerk will deliver the presentence referral form
20 to the probation office. A copy of that form has been
21 provided to each defense counsel, and I simply remind counsel
22 of your responsibility to contact the probation office as soon
23 as practicable for further instruction regarding the
24 presentence investigation.

25 Defendants Nelson, Alvarez, Heo, and Fowler, you are

1 each scheduled to be sentenced on December 1, 2023, at
2 9:00 a.m., before the Honorable Judge Reed O'Connor in this
3 courtroom.

4 Defendants Rodriguez and Flores, you are each
5 scheduled to be sentenced on December 8, 2023, at 9:00 a.m.,
6 by Judge O'Connor in this courtroom.

7 And Mr. Mena, you are scheduled to be sentenced
8 November 30, 2023, at 9:00 a.m., before the Honorable Judge
9 Mark Pittman in the fourth floor courtroom.

10 Is there any need to reconsider the custodial status
11 of Mr. Nelson from the government?

12 *MR. GATTO:* No, Your Honor.

13 *THE COURT:* I note that I have a release status
14 report to the Court indicating you're in full compliance with
15 your conditions, Mr. Nelson.

16 *DEFENDANT NELSON:* Yes, sir.

17 *THE COURT:* So I will find by clear and convincing
18 evidence that you will not be a risk of flight or
19 nonappearance or a danger to the community if you're allowed
20 to remain out on your conditions pending your next hearing.
21 So, you are excused at this time. I wish you good luck as you
22 go forward.

23 I wish all of the defendants good luck as you go
24 forward as well, and I'll hereby remand the remaining
25 defendants to the custody of the marshal, and counsel are all

1 excused.

2 COURT SECURITY OFFICER: All rise. Court is
3 adjourned.

4 (End of Proceedings)

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REPORTER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 14th day of February, 2024.

/s/ Debra G. Saenz

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Official Court Reporter
The Northern District of Texas
Fort Worth Division

CSR Expires: 1/31/2026

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COURT SECURITY OFFICER: [1] 59/2	THE COURT: [316]	4:23-CR-205-O-1 [1] 1/14
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DEPUTY U.S. MARSHAL: [1] 9/9		A a.m [11] 1/7 1/12 1/17 1/22 2/4 2/9 2/14 5/2 58/2 58/5 58/8 abetting [1] 33/12 abettor [1] 33/11 ability [3] 7/18 23/24 43/21 able [2] 11/22 19/4 abolished [1] 19/19 about [13] 9/5 16/9 17/4 21/19 23/23 27/24 32/11 34/1 39/1 41/25 50/20 50/22 50/22 above [2] 19/11 41/12 absence [1] 32/2 accept [4] 38/10 50/13 52/19 56/24 acceptable [1] 37/17 acceptance [1] 57/9 accepted [2] 15/10 28/4 account [1] 18/25 accused [1] 16/4 Act [1] 17/19 action [1] 33/19 actual [1] 10/12 actual -- the [1] 10/12 actually [1] 16/5 addition [1] 45/15
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MS. SULLIVAN: [8] 5/16 5/19 6/8 25/3 25/12 44/18 52/14 55/9		

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